

## FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 02/09/2007

To: All Divisions

Attn: ADs  
ADICs  
SACs  
LEGATs  
Chief Security Officers

From: Security  
PSAS/AIU/WB-420

Contact: [REDACTED]

Approved By: [REDACTED]

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Drafted By: [REDACTED] mjj [REDACTED] twb

Case ID #: 319W-HQ-A1487698 SECD

Title: Inconclusive/Deception Indicated  
Polygraph Examinations - Revised Procedures,  
Analysis and Investigations Unit (AIU)

Synopsis: This communication standardizes procedures to be utilized following any Personnel Security Polygraph Program (PSP) test in which the result is determined to be an "examination pending resolution."

### Details:

#### Background

Following the arrest of Robert Hanssen in February, 2001, former Director Louis J. Freeh and current Director Robert Mueller have issued directives enhancing and expanding utilization of the polygraph in the Personnel Security Program (PSP). In a Memorandum to All Employees, dated 03/16/2001, former Director Freeh ordered that all employees [REDACTED]

In April, 2002, Director Mueller approved the further expansion of the PSP Program to make it a permanent part of the routine FBI security process.

This expansion made the pool of candidates to be given [REDACTED]

Additionally, all [REDACTED]

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[REDACTED]  
to a PSPP examination if there is a requirement to perform a function

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[redacted]  
[redacted] who is required to take a polygraph examination.

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In a Memorandum to All Special Agents In Charge, dated 12/20/2002, Director Mueller defined the four (4) components of the PSPP, and established the process and procedures by which the PSPP is administered. The salient points contained in the Memorandum which impact on AIU's responsibilities are, as follows:

- Procedures to be utilized [redacted]  
[redacted]

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- Upon successful completion of the PSP examination, the component Security Officer will notify the individual that he/she has successfully completed the examination;

- A PSP examination finding of [redacted]  
[redacted] will be considered as an "examination pending resolution."

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- For those examinations with results pending resolution, the Security Programs Manager (SPM), in cooperation with the employee's division head and other appropriate management officials, will initiate an immediate review of the risk associated with maintaining the employee's access to sensitive information while attempting to resolve the unexplained examination results.

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- Either the SPM or other appropriate officials within the [redacted] will conduct a review or investigation to explain the polygraph results. All inquiries will be tailored to the specific case.

- A Senior Review Panel (SRP) composed of the Assistant Directors or their designees from the employee's division, [redacted] the Office of Professional Responsibility (OPR), and Administrative Services Division (ASD) (now Human Resources Division) will monitor the equity and reasonableness of the PSPP process. The SRP will consider both the [redacted]  
[redacted]

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- The SPM will make a security determination regarding the employee's continued access to classified and sensitive information. If significant derogatory information exists, the SPM may suspend or revoke the employee's security clearance.

- In cases resulting in revocation, the employee may take advantage of due process procedures established by Executive Order 12968.

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The Memorandum provided the basis for changes made to the Manual of Investigative Guidelines (MIOG), which established the preceding as Bureau policy.

Although the Memoranda noted above formally established FBI policy regarding those subject to PSPP examination and procedures to be utilized in handling examinations pending resolution, the Security Division's *Security Policy Manual*, revised date: 04/03/2006, abrogated all existing security policy contained in the Manual of Administrative and Operational Procedures (MAOP) and MIOG (see cover page note). A review

[REDACTED] (The deletion of these items is currently being reviewed and may be restored as appropriate). Thus, AIU has the latitude to establish administrative and investigative procedures which embody the spirit of the aforementioned Memoranda without strict adherence to provisions contained therein.

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#### PSPP Examinations Requiring Resolution - Revised Procedures

For the purposes of this document, the term "examinations pending resolution" means any PSPP examination in which the results are determined to be [REDACTED]

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The following procedures are being established utilizing the pertinent, applicable provisions of previously-approved Memoranda and MIOG sections.

Although the *Security Policy Manual* eliminated pre-existing security policy, those provisions relevant to PSPP procedures reflect the historical evolution of this issue and are being selectively incorporated into the revised procedures to be utilized by AIU.

The following procedures are to be utilized in handling cases in which PSPP issues are unresolved. It should be noted that the specific facts and circumstances of each investigative matter may dictate deviation from some of the procedures set forth herein.

(1) Upon notification by the Polygraph Unit (PU) of a PSPP "examination pending resolution" for an on-board employee [REDACTED] AIU will immediately open a security inquiry. As appropriate, AIU will consult with the individual's division head and/or Chief Security Officer (CSO) regarding short-term risk mitigation strategies, to include job assignment, computer access, or any other factor necessary to prevent compromise of national security information. As necessary, the Unit Chief of Employment Law Unit I, OGC, will be consulted. Once agreement is reached, AIU will confirm the terms of the risk mitigation plan with the appropriate officials in the affected division.

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• This procedure modifies the provisions contained in the 12/20/2002 All SACs memorandum, which provided for the SPM, the concerned division head and other appropriate management officials, and, if

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necessary, an OGC representative to meet to discuss risk mitigation issues. This was found to be an unworkable and inefficient use of executive management's time.

(2) AIU will review the results of the pre-polygraph Personnel Security Interview (PSI), the PSPP examination, along with any admissions and/or explanations made by the affected individual. If necessary, the examiner and the PSPP Manager will be contacted to discuss the results and any concerns/issues that may have arisen out of the PSPP process.

(3) In conjunction with (2), above, all retrievable information concerning the affected individual should be reviewed, to include the [redacted] and prior administrative inquiries (263 matters). If warranted, AIU should generate an Automated Case Support (ACS) audit request to the [redacted] summarizing the case details and audit parameters (system(s) and time frame).

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- At a logical point in the process wherein there is some indication of conduct by the individual reflecting possible unauthorized disclosure; issues regarding foreign preference, allegiance, or contacts; or other issues raising espionage concerns, the assigned [redacted]

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[redacted] If warranted, AIU will make a referral [redacted] and reach concurrence on the next investigative steps.

(4) AIU will arrange for an in-depth interview and possible re-test of the affected individual within 30 days, when possible, through coordination with the [redacted]

[redacted] Arrangements should be confirmed by an EC to the individual's division, to include the date(s) of the interview and possible re-test; [redacted]

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(5) During the individual's interview, the SSA/IAC should make every effort to determine the reason his/her polygraph test was found to be an "examination requiring resolution." Particular emphasis should be given to explaining the individual's responsibilities to be totally forthright and accurate in his/her responses, as well as the possible adverse actions that may be taken against an individual's security clearance should that not occur. The individual's responses should be recorded on a form FD-302, which should be transcribed within five (5) working days.

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(6) Following the aforementioned interview, the results should be discussed with the PSPP Manager or designee to ascertain whether a polygraph re-test is warranted. If it is determined a re-test is warranted, the AIU SSA/IAC will advise the individual. Pursuant to the *Security Policy Manual*, the Director has delegated to the Assistant Director (AD), Security Division (SecD), or his designee the authority to compel a [redacted] polygraph examination. Thus, should the individual refuse the re-test, he/she should be advised that adverse action regarding his/her security clearance will be taken into consideration during his/her security adjudication.

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(7) If the results of the polygraph re-test are:

[Redacted content]

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(8) When potentially serious security issues remain unresolved following a polygraph re-test, AIU will draft an EC to the individual's SAC/ADIC/AD and CSO summarizing the investigation to date, to include the unresolved security concerns. The division head and CSO should be requested to provide any relevant, previously unreported information concerning the individual, including his/her assignment, performance, behavioral issues, or other factors that might impact on his/her eligibility to maintain a security clearance. In addition, the division's recommendations concerning future assignment(s), computer usage, and other security concerns should be solicited.

- If the individual's re-test results are [redacted] but there are no other security issues/concerns found and the individual's division provides no derogatory information or qualifications/restrictions, a recommendation can be made to close the matter as "Clearly Consistent - Noteworthy [redacted]" at the discretion of the SSA/IAC.

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(9) Based upon the totality of the facts and circumstances developed during the security inquiry, AIU will draft a Post-Adjudication Risk Management (PARM) plan. The PARM plan for each designated individual will be tailored to the specific security issues and concerns pertaining to that person. It may be formalized, requiring the individual to sign it, or it may be covert, involving discreet monitoring of the individual's activities. Whether explicit or discreet, the individual's executive management and/or CSO should, normally, be consulted regarding their input and apprized of the plan's details. Similarly, each individual PARM plan

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should have a projected time frame for both total duration and for specific dates when active investigation will take place, e.g. total duration - 18 months, with ACS audit every six months.

(10) Once the PARM plan is finalized, it will be provided to the CSO and Executive Management of the affected division to be presented to the individual for his/her signature. One copy each will be provided to the CSO and the individual. When PARM-specific investigation is to take place, the CSO will be advised by AIU of any tasks required of the division.

(11) Upon completion of the time period for the PARM plan, the CSO will be advised of the termination or continuance of the PARM plan dependent on information developed during its duration indicating resolution of pending security issues or unresolved security concerns.

#### Revised Procedures - Operational/Administrative Benefits

This document formalizes procedures for handling polygraph "examinations requiring resolution" within AIU. Prior to this document, general policy regarding polygraph matters existed in All SAC and All Employees Memoranda, as well as in MIOG. The revised *Security Policy Manual* eliminated all pre-existing policy and did not address the polygraph policy and procedures that had been approved by Directors Freeh and Mueller.

This has allowed AIU to formulate procedures that more effectively and efficiently address the issues pertaining to problematic polygraph examinations. These procedures do the following:

- Eliminate the need to involve executive level management in the initial risk mitigation process, unless needed.
- Provide a uniform, comprehensive framework to address these cases from an administrative and operational standpoint.
- Involve executive management and CSO of the affected division in the adjudicative and risk mitigation processes. This is particularly important given the SAC/ADIC's ultimate responsibility for each and every individual assigned to his/her division.
- Provide for meaningful tracking of the provisions of the PARM, to include the setting of ticklers commensurate with the dates of active investigation.

The procedures set forth herein do not, however, address previously-approved policy concerning the Senior Review Panel (SRP), which was established in the All SAC Memorandum, dated 12/20/2002. As set forth therein, the SRP was to "monitor the equity and reasonableness of the PSPP process...and will consider both the requirement to safeguard national security and the rights of the affected employee." Although

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the policy existed regarding the SRP, in reality, it has not been employed over the past several years. The AIU procedures set forth herein do not conflict with the mandate of the SRP.

LEAD(s) :

Set Lead 1: (Action)

ALL RECEIVING OFFICES

Receiving entities are requested to provide a copy of this communication to their division Security Officer(s) and others assigned to personnel security matters.

## UNCLASSIFIED



FEDERAL BUREAU OF INVESTIGATION  
**CORPORATE POLICY NOTICE**

0093N

<b>1. Policy Notice Title.</b>	Inclusion of New Subject Areas on Applicant and Personnel Security Polygraph Examinations
<b>2. Publication Date.</b>	2008-06-16
<b>3. Effective Start Date.</b>	2008-06-16
<b>4. Effective End Date.</b>	2012-03-11
<b>5. Primary Strategic Objective.</b> T1-Improve recruiting, selection, hiring and retention.	
<b>6. Authorities:</b> <ol style="list-style-type: none"> <li>1. 29 U.S.C. Section 2006(a) and (c); note exceptions for federal government employees under Section 2006(a), and for employees of contractors of the FBI under Section 2006(c).</li> <li>2. 28 U.S.C. Section 536; FBI exemption from civil service laws.</li> </ol>	
<b>7. Purpose:</b> To include serious crime and terrorism questions in the FBI Applicant Polygraph examination and terrorism questions in the Personnel Security Polygraph (PSP) examination  Using these questions may obtain significant information that is critical to the proper evaluation and adjudication of applicants for FBI positions and strengthen the applicant screening process, optimize the FBI's ability to gather pertinent information, and achieve consistency with the applicant programs of other federal agencies.	
<b>8. Policy Statement:</b> The FBI Applicant Polygraph examination must include questions concerning serious crime and terrorism, and the Personnel Security Polygraph (PSP) must include questions concerning terrorism.	
<b>9. Roles and Responsibilities:</b> <ol style="list-style-type: none"> <li>1. The Polygraph Unit shall:             <ol style="list-style-type: none"> <li>1. Implement new testing protocols</li> <li>2. Revise the Polygraph Manual</li> <li>3. Train Field Examiners</li> <li>4. Train Chief Security Officers, Applicant Coordinators (and their staffs) on the impact to personnel Security Interview (PSI) and Pre-Polygraph Personnel Security Interview (PPSI) procedures (conducting interviews and completing resulting reports)</li> <li>5. Train all adjudicative entities to address various issues arising from the new polygraph examination questions</li> </ol> </li> <li>2. The Polygraph Examiner shall:             <ol style="list-style-type: none"> <li>1. Prior to administering the polygraph examination, provide applicants with the:                 <ol style="list-style-type: none"> <li>1. FD-328 (Waiver of Consent for Polygraph)</li> <li>2. "FBI Polygraph Examination Advisement of the Requirement for Polygraph Examination for FBI Employment"</li> </ol> </li> </ol> </li> </ol>	



2. Advise applicants during the Personnel Security Interview (PSI) that should information involving serious crime be developed during the polygraph process, the FBI may furnish the information to the appropriate agency.

#### 10. Exemptions:

None

#### 11. Justification for exigent or special policy consideration:

This Notice will be superseded by an overarching Directive on the topic of Polygraphs scheduled to occur during the rewrite of the Security Policy Manual Section 2.26 - Polygraph Program. The Polygraph Unit is advancing this Notice to meet an immediate executive mandate.

#### Supersession:

1. EC dated 3/10/2008, Case ID# 319T-HQ-A1487667-SecD, Titled: Polygraph Matters; Changes to FBI Polygraph Screening Exams; Pretest Review forms
2. Memorandum to All Special Agents in Charge, dated 12/20/2002, regarding "Expansion of the Personnel Security Polygraph"
3. Memorandum to All Employees, dated 03/16/2001, regarding "Immediate Changes to the FBI Security Program"

#### 12. References, Key Words, and Links:

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#### 1. References:

1. Department of Defense Directive Number 5210.48, dated 12/24/1984, Subject: DoD Polygraph Program
2. Manual of Investigative Operations and Guidelines (MIOG), Part 1, Section 67-8.2
2. Key Words: Polygraph, Applicant, Serious Crime, Terrorism, Screening
3. Security Division, Polygraph Unit webpage

#### 13. Definitions:

Full-scope polygraph examination: A pre-employment polygraph examination that addresses both national security and suitability issues.

#### 14. Appendices, Attachments, and Forms:

1. FD-328
2. FBI Polygraph Examination Advisement of the Requirement for Polygraph Examination for FBI Employment
3. FBI Polygraph Pre-test Review of Serious Crime Question Applicant Examination (Suitability Series)
4. FBI Polygraph Pre-test Review of relevant Questions Personnel Security Examination and Applicant Examination (Security Series Only)

#### Final Approval

**Name:** Timothy P. Murphy

**Title:** ADD

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